



Division of
Enforcement

COMMODITY FUTURES TRADING COMMISSION

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February 27, 2023

VIA ECF

The Honorable Lorna Schofield
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: CFTC v. Avraham Eisenberg, No. 23 Civ. 173 (LGS) (S.D.N.Y.)

Dear Judge Schofield:

Pursuant to the Court's Individual Rule I.B.2, Plaintiff Commodity Futures Trading Commission ("CFTC") respectfully writes to request: (1) a two-week adjournment of the conference scheduled in this matter on March 8, 2023, and (2) a two-week adjournment of the parties' deadline to submit a joint letter and joint Proposed Civil Case Management Plan and Scheduling Order, currently due on March 1, 2023, as required by the Court's January 25, 2023 order [ECF No. 7]. The CFTC requests that these deadlines be extended to (1) March 22, 2023, and (2) March 15, 2023, respectively. This is the CFTC's first request for an extension of these dates.

Mr. Eisenberg is currently incarcerated in the Essex County Correctional Facility in New Jersey. The CFTC served its complaint on Mr. Eisenberg on February 17, 2023, and his answer is due on March 10. Although Mr. Eisenberg has retained counsel in connection with an associated criminal case (*United States v. Eisenberg*, No. 23 Crim. 010 (S.D.N.Y.)) and civil case (*Mango Labs, LLC v. Eisenberg*, No. 23 Civ. 665 (S.D.N.Y.)), no counsel for Mr. Eisenberg has appeared in connection with the above-captioned matter or in connection with the related matter before this Court brought by the Securities and Exchange Commission (*Securities and Exchange Commission v. Eisenberg*, No. 23 Civ. 503 (S.D.N.Y.)).

The CFTC was able to speak with Mr. Eisenberg today by telephone. During the call, Mr. Eisenberg stated that he would like an opportunity to speak with his counsel in the criminal case regarding representation in the above-captioned case and the requirements set forth in the Court's January 25, 2023 order. Mr. Eisenberg agreed and consented to the requested extension. He further agreed that a two-week adjournment will give him time to retain counsel and to facilitate the negotiation of the joint letter and joint Proposed Civil Case Management Plan and Scheduling Order. In light of Mr. Eisenberg's status and representations, good cause exists to grant the extension.

For the foregoing reasons, the CFTC respectfully requests that the Court grant the foregoing extensions.

/s/ John C. Murphy

John C. Murphy

Trial Attorney

Commodity Futures Trading Commission

cc: Avraham Eisenberg